

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
FEBRUARY 27, 2014
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "B" held a public hearing at the El Paso City Hall, Main Room, 2nd Floor, Thursday, February 27, 2014 at 5:30 p.m. with the following members present:

Board Members Present:

Angel Miguel Ochoa
Gerardo Licon 5:38 p.m.
Sam Guido
Randy Boggs
Sam Guido
Michael Bray (alternate)
Robert Filarski (Panel A)
Paul Gilcrease (Panel A)

Others Present:

Elda Rodriguez-Hefner, Code Compliance Manager
Wendi Vineyard, Assistant City Attorney
Ron Roth, Chief Building Inspector
Nathan Walsh, Chief Building Inspector
Nellie Avalos, Building Inspector
Janeth Loya, Building Inspector
Sal Reyes, Building Inspector
Alexandro Esparza, Building Inspector
Nancy Spencer, Recording Secretary

Board Members Absent:

Matt Bohannon
Andrew Haggerty

AGENDA

Call to Order

- I. The Building & Standards Commission meeting, Panel "B" was called to order by Acting Chairman Michael Bray at 5:33 p.m.

Chairman Michael Bray swore in all witnesses present to give testimony on the cases heard.

- II. Approval of the October 30, 2013 minutes

Motion made by Robert Filarski, seconded by Paul Gilcrease, to approve the October 30, 2013 minutes, unanimously passed.

Regular Items:

- III. Public hearing to determine if the property located at 10716 Jadestone in the City of El Paso, is a dangerous structure and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner has been identified as the Estate of Robert Vetter % Robert Vetter (record owner(s), and he has been notified of this hearing.

Nathan Walsh, Chief Building Inspector, read the item into the record.
Alexandro Esparza, Building Inspector, presented the case.

Alexander Esparza gave a chronology on the history of this property.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

The owner was not present and no one was present for public comment.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained secure within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Miguel Angel Ochoa, seconded by Robert Filarski, to accept staff recommendations, unanimously carried.

- IV. Public hearing to determine if the property located at 7530 Hermosillo, in the City of El Paso, is a dangerous structure and determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner has been identified as Daniel De La Riva (record owner(s), and he has been notified of this hearing.

Nathan Walsh, Chief Building Inspector, read the item into the record.
Salvador Reyes, Building Inspector, presented the case.

Salvador Reyes gave a chronology of the history on this property

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

The owner was not present and no one was present for public comment.

The owner has been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained secure within thirty (30) days; and
6. That the premises be cleaned inside and out to avoid rodent infestation and maintained clean of all trash, and debris within 30 days; and

7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Robert Filarski, seconded by Gerardo Licon, to accept staff recommendations, and unanimously carried.

- V. Public hearing to determine if the property located at 5109 Paris, in the City of El Paso, is a dangerous structure and determine if the owner will be ordered to secure, repair, remove or demolish the property. The owners of this property are identified as Robert Shailer Johnson & Margaret Egan Johnson (certified owner(s)) and they have been notified of this hearing.

Nathan Walsh, Chief Building Inspector, read the item into the record.
Alexandro Esparza, Building Inspector, presented the case.

Inspector Alexander Esparza gave a chronology on the history of this property.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

The owners were not present and no one was present for public comment.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained secure within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
7. That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Miguel Angel Ochoa, seconded by Robert Filarski, to accept staff recommendations, and unanimously carried.

- VI. Public hearing to determine if the property located at 9305 Socorro in the City of El Paso, is a dangerous structure and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner of this property has been identified as Angelina Watson (LTT LE (record owner(s)), and she has been notified of this hearing.

Nathan Walsh, Chief Building Inspector read the item to record.
Salvador Reyes, Building Inspector, presented the case.

Inspector Salvador Reyes provided a chronology on the history of this property.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

The owner was not present and no one was present for public comment.

The owner has been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Robert Filarski, seconded by Miguel Angel Ochoa, to accept modified staff recommendations, and unanimously carried.

- VII. Public hearing to determine if the property located at 804 Myrtle in the City of El Paso, is a dangerous structure and to determine if the owner will be ordered to secure, repair, remove or demolish the property. The owners of this property are identified as Augustin C. Rodriguez and Harold J. Hensley (record owner(s), and they have been notified of this hearing.

Nathan Walsh, Chief Building Inspector read the item to record.

Alex Esparza, Building Inspector, presented the case.

Building inspector Alex Esparza gave a chronology on the history property.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

Bray asked if the order of the 10-30-13 was provided to the owner.

One of the property owners, Harold J. Hemsley was present for comment. Mr. Hemsley advised he was away in prison and was not released until January 2014. Mr. Hemsley stated he did not know what was going on with property and when he checked the property, discovered items including fixtures had been removed. The commission was informed that there was an interested party by the name of Mr. Chuy Terrazas who was interested in purchasing the

property and Mr. Hemsley stated he has all the documentation residential contract for resale. He requested additional time to clean property so that he can sell it.

Board member Mr. Robert Filarski asked if the property documentation and contract has been forwarded over to the City Attorney's Office. Assistant City Attorney Wendi Vineyard advised that no such paperwork had been received. Mr. Hemsley also informed the commission for the record the other property owner, Augustin C. Rodriguez passed away in 2012 and his son Augustin Rodriguez has ownership of the property. Acting Chairman Michael Bray asked Ms. Vineyard if the board can take action on property. Ms. Vineyard advised that the board can take action on this property.

Mr. Hemsley advised that at present, he was living at the property. Inspector Esparza advised there were no utilities at the property and that Mr. Hemsley cannot stay or live on the property. Inspector Esparza was asked if there was any part of property that could be salvaged and he advised no. In addition, the commission was informed that there is a shared common wall between properties and that the property could not be rehabilitated.

The owners have been notified of the property violations at this property and have received a copy of the Building and Standards Commission order dated October 3, 2012 of the need to comply with the orders stated above. To date, the required permits have not been obtained, the property has not been maintained clean and some construction has been done without the required permits, and therefore the Department recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structure cannot be rehabilitated; and
5. That the structure be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Gerardo Licon, seconded by Miguel Angel Ochoa, to accept modified staff recommendations, and unanimously carried.

VIII. Public hearing to determine if the property located at 3516 E. Missouri, in the City of El Paso, are dangerous structures and determine if the owner will be ordered to secure, repair, remove or demolish the property. The owner of this property has been identified as Patricia Quezada Hernandez (record owner(s), and she has been notified of this hearing.

Nathan Walsh, Chief Building Inspector read the item to record.
Janeth Loya, Building Inspector, presented the case.

Building Inspector Janeth Loya gave a chronology of the property.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

The owner was not present and no one was present for public comment.

The owner has been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all trash, and debris within 30 days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Miguel Angel Ochoa, seconded by Paul Gilcrease, to accept amended staff recommendations, and unanimously carried.

- IX. Public hearing to determine if the property located at 4637 R. L. Shoemaker., in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The owners of this property are identified as Bennie & Flora T. Graham (record owner(s), and they have been notified of this hearing.

Nathan Walsh, Chief Building Inspector read the item to record.
Alexander Esparza, Building Inspector, presented the case.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

Mr. John Taylor, who is in the process of purchasing this property advised he has secured the property and will be obtain permits and rehabilitate the property. The commission was advised that Mr. Taylor will be closing on the contract to purchase this property probably within the next 30 days.

Acting Chairman Mr. Bray asked if Taylor has been in contact with the executor of the estate and Mr. Taylor advised that he has and was working out the details for the purchase of the property.

Commission member Gerardo Licon asked if Mr. Taylor is approved as a current licensed contractor. Mr. Taylor advised that he was. Commission member Miguel Ochoa asked if there is a closing date on the sale contract and he was advised that it should be finalized in 30 days

on or about the 25th of March, 2014. Mr. Taylor advised he was waiting for the death certificate of the original owner.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained secure within thirty (30) days; and
6. That the property be registered as a vacant building.
7. That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
8. That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Gerardo Licon, seconded by Paul Gilcrease, to accept amended staff recommendations, and unanimously carried.

- X. Public hearing to determine if the Building and Standards Commission order for the property located at 401 Riverside, in the City of El Paso, is in compliance with the orders of October 30, 2013, and if not, to determine penalties. The owners of this property have been identified as EJ & Celia Sullivan, and Celia Jauregui Sullivan, Administratrix of the Estate of Edward Joseph Sullivan, (record owner(s), and they have been notified of this hearing.

Nathan Walsh, Building Inspector read the item to record.
Salvador Reyes, Building Inspector, presented the case.

Building Inspector Salvador Reyes gave a chronology on the history of this property.

Commission member Gerardo Licon stepped out at 6:44 p.m. Quorum is maintained.

Acting Chairman Michael Bray asked for a clarification on the \$1000.00 per day assessment of penalties from the previous orders and asked if staff has recommendation on fines on the case presented today.

Michael Bray asked if the commission had questions. He also asked if the owner was present for comment or if there was anyone present to speak on the owner's behalf or for public comment.

Board member Miguel Ochoa asked if the partially filled in pool still presented a safety hazard. Mr. Ochoa was advised that at present it has a three foot drop from the surface.

Board member Gerardo Licon returned at 6:47 p.m. Quorum remains.

Maggie Sullivan, daughter to Celia Sullivan was present for public comment. Ms. Sullivan advised that her father Mr. Sullivan was deceased.

The commission was advised that the bees have been removed from the property. A Mr. Perez from "Rebuilding Together" who is assisting Ms. Sullivan with this property, suggested for her to ask if they can secure and barricade property for now. Ms. Sullivan also informed the board that a company that was hired to fill in pool was asked to leave which they did and have not returned to finish the job. In addition, a landscaping company has cut down the tree down that was blocking the ditch and other dead trees and debris have been removed. Ms. Sullivan again requested if the commission would consider securing the property until donations were obtained to rehabilitate it.

Board member Gerardo Licon asked Ms. Sullivan if the staff recommendations presented were acceptable.

Acting Chairman Michael Bray asked Ms. Sullivan if the "Rebuilding Together" group would be securing and rehabilitating the property and asked for Inspector Salvador Reyes to repeat the staff recommendations to Ms. Sullivan.

Board member Mr. Licon asked if there was an alternate to recommendations.

Chief Building Inspector Nathan Walsh advised that the accessory structures were dilapidated and need to be demolished, the main structure to be secured and the pool to be filled in.

Board member Robert Filariski added he was concerned with the demolition of the structures.

There was further discussion on amending the staff recommendations for this property. Chief Building Inspector Walsh advised that staff would accept amendments on the recommendations as long as the main structure were secured, accessory structures being demolished and the pool filled in.

Chief Building Official Ron Roth also suggested using the wood taken off when the accessory structures are demolished and using it to secure the main structure.

The owner has been notified of the property violations at this property and has received a copy of the Building and Standards Commission order dated October 30, 2013, of the need to comply with the orders stated above. To date, the plans have not been submitted, the required permits have not been obtained, the property has not been maintained clean and therefore, the department recommends that it be found:

1. That the structures be condemned as substandard, unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy remain revoked; and
4. That the main structures be secured; and
5. That the accessory structures be demolished within thirty (30) days; and
6. The dilapidated in-ground swimming pool be filled in within thirty (30) days; and
7. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
8. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring

the property into compliance, and place a lien on the property for the work which will be done by the City.

Chief Building Inspector Walsh advised the staff would be willing to waive the penalties if staff recommendations were accepted.

Motion made by Miguel Angel Ochoa, seconded by Robert Filarski, to accept staff recommendations, unanimously carried.

XI. Public hearing to determine if the Building and Standards Commission order for the property located at 708 S. Hills, in the City of El Paso, is in compliance with the orders of October 30, 2013, and if not, to determine penalties. The owner of this property has been identified as Rafael Yepiz (record owner(s), and he has been notified of this hearing.

Chief Building Nathan Walsh advised that there is a new owner for this property and requested this item to be deleted from the agenda.

XII. Adjournment

Motion was made to adjourn the meeting unanimously carried. The meeting adjourned at 7:15 p.m.

Acting Chairman, Michael Bray, Chairman, Panel "B"	Ron Roth, Chief Building Inspector Code Compliance Division
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